

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

BRAZOS ELECTRIC POWER  
COOPERATIVE, INC.,

Debtor.<sup>1</sup>

BRAZOS ELECTRIC POWER  
COOPERATIVE, INC.,

Plaintiff,

v.

ELECTRIC RELIABILITY COUNCIL OF  
TEXAS, INC.,

Defendant.

Chapter 11

Case No. 21-30725 (DRJ)

Adv. Proc. No. 21-03863 (DRJ)

Hearing Date: January 12, 2022  
Hearing Time: 10:30 a.m. (CT)

**ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC. AND DEFENDANT-  
INTERVENORS' WITNESS AND EXHIBIT LIST FOR JANUARY 12, 2022 HEARING**

Electric Reliability Council of Texas, Inc. (“ERCOT”), together with Calpine Corporation, on behalf of itself and each of its affiliates, including but not limited to Calpine Energy Services, L.P., Calpine Energy Solutions, LLC, and Cavallo Energy Texas, LLC (collectively, “Calpine”); NRG Energy, Inc., on behalf of itself and certain of its intervening affiliates (collectively, “NRG”); ENGIE Energy Marketing NA, Inc., on behalf of itself and certain of its intervening affiliates (collectively, “ENGIE”); Talen Energy Supply, LLC, on behalf of itself and each of its affiliates, including but not limited to Talen Energy Marketing, LLC (collectively “Talen”); NextEra Energy Marketing, LLC (“NEM”); South Texas Electric Cooperative, Inc. (“STEC”); and Tenaska Power

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<sup>1</sup> The Debtor in this chapter 11 case, along with the last four digits of its federal tax identification number is: Brazos Electric Power Cooperative, Inc. (4729). Additional information regarding this case may be obtained on the website of the Debtor's claims and noticing agent at <http://cases.stretto.com/Brazos>. The Debtor's address is 7616 Bagby Avenue, Waco, TX 76712.

Services Co. (“TPS”) (together with STEC, NEM, Talen, ENGIE, NRG and Calpine, the “Defendant-Intervenors”) file this Witness and Exhibit List for the hearing scheduled on January 12, 2022 at 10:30 a.m. (CT) (the “Hearing”) on the *Debtor’s Motion for Judgment on the Pleadings and for Entry of an Order Striking Certain Expert Opinions* [Docket Nos. 274 and 275 (sealed version)] (the “Motion”):

## I. WITNESSES

ERCOT and the Defendant-Intervenors reserve the right to call the following to testify at the Hearing:

1. Any person necessary to authenticate a document.
2. Any person designated by any other party.
3. Rebuttal and/or impeachment witnesses as appropriate.
4. ERCOT reserves the right to cross-examine any witness called by any other party.

## II. EXHIBITS

ERCOT and the Defendant-Intervenors reserve the right to seek admission of any of the following exhibits at the Hearing:

1. Excerpts from the Deposition of Dean Thrall, attached as Exhibit A to *Electric Reliability Council of Texas, Inc. and Defendant-Intervenors’ Response in Opposition to Debtor’s Motion for Judgment on the Pleadings and for Entry of an Order Striking Certain Expert Opinions* [Docket Nos. 293 (sealed version) and 294] (the “Response”) [Docket No. 294-1].
2. Excerpts from the Deposition of Clifton Karnei, attached as Exhibit B to the Response [Docket No. 294-2].
3. Excerpts from the Deposition of Khaki Bordovsky, attached as Exhibit C to the Response [Docket No. 294-3].
4. Electric Reliability Council of Texas, Inc.’s Notice of Rule 30(b)(6) Deposition to Brazos Electric Power Cooperative, Inc., dated October 21, 2021.

5. Email correspondence between Jim Silliman, counsel for the Debtor and counsel for ERCOT regarding “ERCOT: 30(b)(6) Notice, York and Thrall Deposition Dates”, dated October 29, 2021.
6. Brazos Electric Power Cooperative, Inc. and the Official Committee of Unsecured Creditors’ Notice of 30(b)(6) Deposition of the Corporate Representatives of Electric Reliability Council of Texas, Inc., dated October 28, 2021.
7. Brazos Electric Power Cooperative, Inc.’s Responses and Objections to ERCOT’s First Requests for Production, dated September 30, 2021.
8. Brazos Electric Power Cooperative, Inc.’s Objections and Responses to ERCOT’s Second Requests for Production, dated October 18, 2021.
9. Brazos Electric Power Cooperative, Inc.’s Objections and Responses to ERCOT’s Third Requests for Production, dated November 22, 2021.
10. Brazos Electric Power Cooperative Inc’s Objections and Responses to ERCOT’s First Requests for Admission, dated October 18, 2021.
11. Brazos Electric Power Cooperative, Inc.’s Requests for Production to ERCOT, dated July 29, 2021.
12. Brazos Electric Power Cooperative, Inc.’s Second Set of Requests for Production to ERCOT, dated August 31, 2021.
13. Brazos Electric Power Cooperative Inc.’s First Set of Interrogatories, First Requests for Admission, and Third Set of Requests for Production to ERCOT, dated September 22, 2021.
14. Confidential Expert Report of Todd W. Filsinger and Clifford Watson, filed under seal as Exhibit A to the Motion.
15. Expert Report in Support of Electric Reliability Council of Texas, Inc. by Paul M. Sotkiewicz, filed under seal as Exhibit B to the Motion.
16. Opening Expert Report of Frank C. Graves, filed under seal as Exhibit C to the Motion.
17. *Debtor’s First Amended Complaint Objecting to Electric Reliability Council of Texas, Inc.’s Proof of Claim and Other Relief* [Docket No. 173].
18. *Electric Reliability Council of Texas, Inc.’s Answer and Affirmative Defenses to Brazos Electric Power Cooperative, Inc.’s First Amended Complaint* [Docket No. 192].

19. Any exhibits designated or offered for admission by any other party.
20. Any documents filed in this Adversary Proceeding.
21. Any documents filed in this Bankruptcy Case.
22. Rebuttal and/or impeachment exhibits as appropriate.

ERCOT and the Defendant-Intervenors reserve the right to amend and/or supplement this Witness and Exhibit List.

Dated: January 10, 2022

Respectfully submitted,

**MUNSCH HARDT KOPF & HARR, P.C.**

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**COUNSEL TO SOUTH TEXAS ELECTRIC COOPERATIVE, INC.**

**CERTIFICATE OF SERVICE**

I certify that on January 10, 2022, I caused a copy of the foregoing document to be served via the Court's CM/ECF system on all counsel of record in the Adversary Proceeding.

/s/ Deborah M. Perry  
Deborah M. Perry